

FREDERICK P. KESSLER
FACT-FINDER

In the matter of the Fact-Finding between

CITY OF CLINTON, IOWA

Public Employer

and

FACT-FINDING DECISION

INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS, LOCAL #609 AFL-CIO

Employee Organization

A. INTRODUCTION

On February 14, 2006, this Arbitrator was advised that he had been selected as Fact-Finder to hear the impasse between Local 609 of the International Association of Firefighters, Local 609, AFL-CIO (hereinafter referred to as "the Union") and the City of Clinton, Iowa (hereinafter referred to as "the City") pursuant to the provisions of the Iowa Public Employment Relations Act, Chapter 20, Iowa Code. A hearing was scheduled for 1:00 p.m., March, 10, 2006, at the City Hall in Clinton.

The hearing began at 1:00 p.m. and adjourned at 3:15 p.m. Exhibits were submitted and opening and closing statements were made. The Union also filed a written Brief.

B. APPEARANCES

The Union appeared by Attorney Wylie Pillers, III. He was assisted by Attorney David Pillers. Also present were Local 609 Vice-President Mike Robertson, Treasurer Rick Hale, Trustee Chris Melvin, Negotiating Team member Jeff Chapman and Joel Atkinson, Vice-President of the State organization of the International Association of Firefighters...

The City appeared by Attorney William J. Sueppel, of Meardon, Sueppel & Downer, P.L.C. Also present were City Attorney Matt Brisch, Fire Marshall Mike Brown, Fire Chief Mark Regenwether and City Clerk/ Finance Director Debbie Neels.

C. BACKGROUND AND DETERMINATION OF COMPARABLE COMMUNITIES

Clinton, Iowa is located on the Mississippi River in eastern Iowa. It has a population of 27,772. Six other cities with similar populations have been proposed by the City as comparable communities. They are as follows:

<u>City</u>	<u>Population</u>
Muscatine	22,713
Ottumwa	24,680
Burlington	25,579
Marshalltown	26,057
Mason City	28,177
Cedar Falls	36,343

Only Cedar Falls has a substantially greater population than of any of the five other cities. It also abuts a larger city, which may distort the job market.

Clinton currently has 38 employees in the bargaining unit. Burlington and Mason City each have 41 workers in their units. Cedar Falls has 22, Marshalltown has 24, Muscatine has 29, and Ottumwa has 30 members in the bargaining unit. Not all of the fire departments perform identical tasks. Some provide ambulance service and also have trained Emergency Medical Technicians.

The Union has cited the Cities of Davenport, Muscatine, Bettendorf, and Marion as comparable communities showing current wages paid for firefighters, and Iowa City, Fort Madison, and Ottumwa as comparable communities indicating contract settlement percentages. Several other communities are also listed on the Union exhibits. Those cities have not been included by the arbitrator. Davenport is a substantially larger community. Fort Madison is much smaller. Bettendorf and Marion are both located adjacent to larger communities, factors which may distort the wages paid.

The parties indicated that there has not been a dispute recently involving the City and the Firefighters Union that required the determination of appropriate comparable communities.

Although the services firefighters perform for their communities vary, I find that the appropriate comparable communities for comparison here are Muscatine, Ottumwa, Burlington, Marshalltown and Mason City.

D. STATUTORY CRITERIA

Iowa statutes do not provide any specific criteria that Fact-finders must consider in making their recommendations. It is generally agreed that the legislature intended fact-finders to use the same factors that are used in interest arbitration. Those factors are:

- a. Past collective contracts between the parties including the bargaining that led up to such contracts.
- b. Comparison of wages, hours and conditions of employment of the involved public employees doing comparable work, giving consideration to factors peculiar to the area and the classification involved.
- c. The interests and welfare of the public, the ability of the public employer to finance economic adjustments, and the effect of such adjustments on the standard of services.
- d. The power of the public employer to levy taxes and appropriate funds for the conduct of its operations.

E. IMPASSE ITEMS

There are six areas of disagreement that must be addressed by the fact-finder. These are: the wage increase proposals, the step increase longevity/differential, the proposed funeral leave changes, the proposed increase in the clothing allowance, the allocation of health insurance deductibles and removal of the prescription drug cap, and mandating a letter of understanding between the parties regarding shift transfers

Evidence has been presented by the parties in support of their respective final offers. An analysis of the evidence has shown compelling arguments for each of the offers.

Wages

The City is offering a 3.25% increase. The Union is seeking a 4% increase. When the current wage rates for the six comparable cities are examined they show as follows:

<u>City</u>	<u>Starting Salary</u>	<u>Wage After Probation</u>	<u>Wage After 3 Years</u>	<u>Wage After 5 Years</u>	<u>Top Wage</u>
Marshalltown	\$11.98	\$14.85	\$15.56	\$16.77	-
Muscatine					
Ottumwa	11.04	11.53	13.19	13.35	\$17.15
Mason City	10.14	11.06	13.13	13.64	17.74
Burlington	<u>11.96</u>	<u>13.87</u>	<u>15.02</u>	<u>15.25</u>	<u>16.93</u>
Average	11.28	12.83	14.23	14.75	17.27
Clinton	10.43	12.60	13.11	14.19	19.41

The comparable communities did not increase firefighter compensation at the same percentage rate during the past three years. Recent wage increases for the cities varied as follows:

<u>City</u>	<u>Wages 7-0-03</u>	<u>Wages 7-1-04</u>	<u>Wages 7-1-05</u>
Marshalltown	0.0%	3.0%	3.0%
Muscatine	3.5%	3.5%	3.5%
Ottumwa	3.5%	3.0%	2.5%
Mason City	3.0%	3.0%	3.0%
Burlington	<u>3.0%</u>	<u>3.0%</u>	<u>3.0%</u>
Average	2.6%	3.1%	3.0%
Clinton	2.5%	2.5%	2.0%

A comparison of the offer of the Union and the offer of the City, with the two comparable cities that have settled their contracts show as follows:

	<u>Wage Increase</u>
Marshalltown	2.75%-3.25%
Mason City	3.00%
Ottumwa	3.00%-3.25%
Union Final Offer	4.00%
City Final Offer	3.25%

The Consumer Price Index for non-metropolitan areas, with a population of less than 50,000 persons, in the Midwest, has increased by 4.1% between December 2004 and December 2005. During the three year period between July 2002 and July 2005 the CPI increased by 8.3% while firefighter wages increased by 7%.

Health Insurance

The City currently pays 100% of the premium for both family and single policies. It also reimburses employees up to \$500 of the cost of their deductible expenses for families and reimburses \$250 for single policy holders for their deductible expenses. The City wants to eliminate the payment toward the deductible costs after 6 months, effective January 1, 2007. The City also wants an employee \$5 payment per prescription drug through a drug card. The employees would only have to pay more if they purchased non-generic prescription drugs when generic drugs are available.

Step Increase/Longevity

The Union wants to increase the longevity schedule by a one half percent (.05) increase in the longevity matrix. The City does not propose any changes in longevity. This increase would cost the City between \$32,590 and \$43,308. The Union argues that this compensates the Union for agreeing to abolish the position of Captain.

Funeral Leave

The Union proposes that the Family Death Leave paragraph of the Contract be modified so an employee would be granted one day of funeral leave to attend the wake or funeral of a spouse's brother or sister or grandparent, or the employee's grandparent.

Funeral leave varies in the comparable cities. Among the variable are the relationship to the employee. Some agreements refer to bereavement leave. The comparable communities provide as follows:

<u>City</u>	<u>Funeral Leave for Brother/Sister-in-Law, Grandparent</u>
Marshalltown	4 calendar days for grandparent
Muscatine	Nothing offered in evidence
Ottumwa	3 working days
Mason City	4 consecutive days for grandparents (only)
Burlington	<u>48 hours for grandparent funeral, 3 hours non-family</u>
Clinton	1 day for funeral

Clothing Allowance

The parties have agreed to regular daily physical exercise schedules for firefighters. Employees are required to wear designated apparel during the exercise period. The Union wants a \$100 increase in the clothing allowance. For the past eight years the clothing allowance has been at \$350 annually.

The clothing allowance in the comparable cities is disputed in some of the cases. It appears to this fact finder to be as follows:

<u>City</u>	<u>Clothing Allowance</u>
Marshalltown	Employer furnished
Muscatine	\$400 per year
Ottumwa	None in Contract
Mason City	\$440 per year
Burlington	<u>\$400 per year (\$200 carryover to next year)</u>
Clinton	\$350, each new employee provided with uniform

The parties do not dispute that the City has the ability to pay a wage increase for the firefighters. Money has been set aside for wage increases. The City has the ability to allocate funds to pay the cost of these recommendations. It is unlikely that any public services would need to be adjusted to implement the recommendations/

G. RECOMMENDATIONS

The 4% wage increase proposed by the Union is recommended. I would continue the current longevity step matrix and deny the request for a .5% increase at each step. The modifications in the health insurance policies proposed by the City are reasonable and recommended. I recommend increasing the uniform allowance by \$100 and reject the proposed changes in the funeral leave policy. I have no authority to address the issue of shift equalization and allocation of manpower between the shifts, as it properly belongs with the Board.



FREDERICK P. KESSLER
Fact-Finder

Dated at Milwaukee, Wisconsin
this 21st day of March, 2006

CERTIFICATE OF SERVICE

I certify that on the 2nd day of March, 20 06, I served the foregoing Report of Fact Finder upon each of the parties to this matter by (~~personally delivering~~) (_____
mailing) a copy to them at their respective addresses as shown below:

I further certify that on the 22nd day of March, 20 06, I will submit this Report for filing by (~~personally delivering~~) (_____
mailing) it to the Iowa Public Employment Relations Board, 510 East 12th Street, Suite 1B, Des Moines, IA 50319.

Frederick P. Kessler
Frederick P. Kessler Fact-Finder
(Print name)

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